

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YONG BIAO JI,
Plaintiff,
v.
AILY FOOT RELAX STATION, INC. d/b/a
Foot Relax Spa Station; LINDA FOOT
RELAX SPA STATION, INC. d/b/a Foot
Relax Spa Station; XIANG MAN ZHANG
a/k/a AILING ZHANG; and KE XUE
ZHENG,
Defendants.

X

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ORDER

19 CV 11881 (VB)

By Order dated October 14, 2022, the Court ordered defense counsel to send plaintiff's counsel a revised JPTO reflecting the exhibits defendants intend to offer at trial by October 24, 2022. (Doc. #145). On October 26, 2022, two days late, defense counsel filed a revised JPTO adding a list of exhibits but noting that "trial exhibits will be further supplemented." (Doc. #148-1). In his letter, defense counsel asks that his untimeliness be excused because of his failure to timely receive the October 14 Order "under the pressure of his health/medical reason." (Doc. 148).

As the Court noted in its October 14 Order, defense counsel has known for several months that he would be responsible for preparing this exhibit list, and any argument that he should be excused based on insufficient time to do so is unacceptable. Indeed, one week ago, after the Court's October 14 Order but before defense counsel's October 24 deadline, he filed an unrelated motion in this case (Doc. #146), belying any argument that his health has prevented him from performing his professional responsibilities in this case.

Defense counsel's submission is thus incomplete and untimely, and fails to comply with the Court's October 14 Order. By October 31, 2022, defense counsel must submit a revised JPTO to plaintiff's counsel that reflects a complete list of the exhibits defendants intend to offer at trial. If defense counsel again fails to comply, the Court will impose financial sanctions upon him personally.

Plaintiff's counsel shall have until November 4, 2022, to file a revised JPTO on the docket that reflects defendants' exhibit list and plaintiff's objections thereto.

Dated: October 27, 2022
White Plains, NY

SO ORDERED:


Vincent L. Briccetti
United States District Judge